
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**JEREMY PIXTON and DANICA
PIXTON,**

Plaintiffs,
v.

CITIMORTGAGE, INC. et al.,
Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:11-cv-418-PMW

Magistrate Judge Paul M. Warner

All parties in this case have consented to having United States Magistrate Judge Paul M. Warner conduct all proceedings in the case, including entry of final judgment, with appeal to the United States Court of Appeals for the Tenth Circuit.¹ *See* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73. Before the court is Citimortgage, Inc., et al.’s (collectively, “Defendants”) motion to dismiss.² The court has carefully reviewed the written memoranda submitted by the parties. Pursuant to civil rule 7-1(f) of the Rules of Practice for the United States District Court for the District of Utah, the court has concluded that oral argument is not necessary and will determine the motion on the basis of the written memoranda. *See* DUCivR 7-1(f).

Defendants argue that the causes of action in the complaint have been repeatedly rejected by courts in this district and that those causes of action rely upon misinterpretations of case law

¹ *See* docket no. 14.

² *See* docket no. 8.

and Utah statutes. This court agrees. For example, Chief Judge Ted Stewart recently rejected two complaints filed by Jeremy Pixton and Danica Pixton's counsel, both of which were nearly identical to the complaint presently before the court. *See Saccio v. Bank of Am.*, No. 2:11-cv-511-TS, 2011 U.S. Dist. LEXIS 96618 (D. Utah Aug. 29, 2011); *Knudsen v. Countrywide Home Loans, Inc.*, No. 2:11-cv-429-TS, 2011 U.S. Dist. LEXIS 81797 (D. Utah July 26, 2011). The court sees no meaningful distinction between this case and those two cases. As demonstrated by Defendants in their memoranda, the previous orders of dismissal by courts in this district are founded in well-established law. The court concludes that there is no reason to depart from those prior holdings and that this case fails as a matter of law.

Plaintiffs have failed to plead claims upon which relief can be granted. Accordingly, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss³ is **GRANTED**. The Clerk of the Court is directed to close this case forthwith.

IT IS SO ORDERED.

DATED this 28th day of September, 2011.

BY THE COURT:



PAUL M. WARNER
United States Magistrate Judge

³ *See id.*